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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS, JOHN BONILLA, in their
respective capacities as Trustees of the
OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND, PENSION
FUND FOR OPERATING ENGINEERS,
PENSIONED OPERATING ENGINEERS
HEALTH AND WELFARE FUND,
OPERATING ENGINEERS VACATION
AND HOLIDAY TRUST FUND,
NORTHERN CALIFORNIA
PREAPPRENTICE, APPRENTICE AND
JOURNEYMAN AFFIRMATIVE ACTION
TRAINING FUND, OPERATING
ENGINEERS CONTRACT
ADMINISTRATION FUND FOR
NORTHERN CALIFORNIA, OPERATING
ENGINEERS INDUSTRY STABILIZATION
TRUST FUND AND OPERATING
ENGINEERS MARKET PRESERVATION
TRUST FUND,

Plaintiffs,

v.

STATEWIDE CONCRETE BARRIER, INC.,
a California corporation; and CHARLES
WELLS, an Individual,

Defendants.

Case No.: C-04-2559 JSW (MEJ)

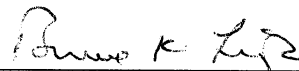
PLAINTIFFS' REQUEST FOR FURTHER
CONTINUANCE OF TIME TO FILE
SUPPLEMENTARY OR AMENDED
PLEADINGS and ~~PROPOSED~~ ORDER
THEREON

In response to the Court's orders of September 20, 2005, and December 15, 2005, in the
above-entitled action, Plaintiffs hereby request a further continuance of time to file supplementary
or amended pleadings.

As explained in the declaration accompanying this request, since service of process on defendants, they have moved their addresses and made themselves unavailable to plaintiffs. This Court has entered their defaults and, upon Plaintiffs' motion, have granted a judgment ordering defendants to submit to an audit of their business records and ordering Plaintiffs to file a supplementary brief to prove up the amount for a money judgment. However, although Plaintiffs reasonably believe that defendants have continued to perform substantial covered work for which they are liable for contributions and related interest and liquidated damages to the plaintiff employee benefit trust funds and that they can be located, Plaintiffs have not been able to locate them at this time. Plaintiffs believe that Defendants can and will be located and, after audit, their full liability can and will be shown. At that point Plaintiffs will then have to file either a supplementary brief to prove up the amount of damages claimed in the original complaint or a motion for leave to file an amended complaint for damages, if any, exceeding what was alleged in the original complaint.

Accordingly, Plaintiffs request a further continuance to April 20, 2006, to locate defendants, obtain the audit which the Court has ordered that they provide, and then to file the appropriate further pleadings in this action.


By



Bruce K. Leigh
Attorneys for Plaintiffs

IT IS SO ORDERED: Plaintiffs shall have until June 9, 2006, to file their supplementary brief on damages in support of their motion for default judgment herein or a motion for leave to file an amended complaint for further damages, if any, discovered by audit of defendants.

DATED: January 19, 2006


Hon. Jeffrey S. White
United States District Judge